



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,287	02/09/2004	Arto Palin	27592-00837-US	8738
30678 7590 06/02/2009 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20006				
EXAMINER				
HUANG, WEIN WU				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
06/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 5/19/09 have been fully considered but they are not persuasive.

Applicants argues that Adachi is completely different from the claim elements noted above, in which "a timing of further data transmission according to the selected frequency hopping pattern is determined based on a time at which the particular condition is met." There is simply no "condition" met in Adachi from whose time (i.e., the time at which the condition is met) a timing of further data transmission is determined; timing in Adachi is determined based on a received timing indication.

The Examiner submits Adachi teaches sending a probe signal and setting the timer 50c (a timing of further data transmission according to the selected frequency hopping pattern) according to whether a probe response signal is received or not. More specifically, Adachi teaches arbitrary setting timer 50c when no probe response signal is received and setting timer 50c based on a time value of a received probe response signal when a probe response is received. See Adachi, col 17, lines 41-60.

Here, the Examiner submits that Adachi teaches arbitrary setting timer 50c based on a time when no probe response signal is received. Also Adachi teaches setting the timer 50c based on a time value of neighboring BS if a probe response signal is received. Here, the Examiner has interpreted whether the probe response signal is received as the particular condition.

Thus, the Examiner submits that Adachi teaches "a timing of further data transmission according to the selected frequency hopping pattern is determined based on a time at which the particular condition is met."

Furthermore, the Examiner submits that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEN W. HUANG whose telephone number is (571)272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. W. H./  
Examiner, Art Unit 2618

/Matthew D. Anderson/  
Supervisory Patent Examiner, Art Unit 2618